



# **CITY COUNCIL**

## **Meeting Agenda**

**REGULAR MEETING  
COUNCIL CHAMBERS**

**MONDAY, JUNE 22, 2009  
7:00P.M.**

### **OPENING MATTERS**

#### **CALL TO ORDER**

**INVOCATION:** Rev. Philip Keevil, First Presbyterian Church

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### **PROCLAMATIONS AND PRESENTATIONS**

#### **Mayoral Proclamations**

- Recognizing Mike Reese and Christine Wheelen for their fundraising efforts for the United Way of Berks County

#### **Council Commendations**

- Recognizing Pastor Joe Sclafani, City Light Ministry for his efforts with the youth of the City of Reading

### **PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.*

*All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.*

*Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.*

## **APPROVAL OF AGENDA**

AGENDA: Council Meeting of June 22, 2009  
Council Minutes of May 26, 2009

## **Consent Agenda Legislation**

None

## **ADMINISTRATIVE REPORTS**

### **REPORT FROM OFFICE OF THE AUDITOR**

### **REPORTS FROM DIRECTORS OF BOARDS, AUTHORITIES, & COMMISSIONS**

Stadium Commission - Steve Harrity, Chair

## **ORDINANCES FOR FINAL PASSAGE**

**Bill No. 31-2009** – increasing the fees in Engineering (Curb Permit, Building Line Survey, Street Cut Permit, Street Restoration, Driveway Permit and restoration, Sidewalk Occupancy, Vault and Repair Permit, Pole Permit), and Traffic Engineering (Banner Installation and Removal)  
**(Managing Director) introduced at the June 8 regular meeting**

**Bill No. 32-2009** – amending the Capital Improvement Program to provide for the extension of River Road and improvements to Kerper's Landing. **(Public Works) introduced at the June 8 regular meeting**

**Bill No. 27-2009** – amending Section 6 Prohibited Behaviors of the Code of Ethics by adding a provision regarding Fraudulent Behavior and amending the provisions regarding Use of City Property and Personnel and Political Activities **(Board of Ethics) introduced at the May 11 regular meeting; tabled at the May 27 regular meeting; discussed at the June 22 Committee**

*of the Whole*

**Bill No 33-2009** - amending the City of Reading Zoning Ordinance per Exhibit "A" to create a new zoning district to be known as Municipal Use (MU) Zoning District and the uses allowed therein as well as the requirements for such uses and amending the City of Reading Zoning Map to reflect the addition of a new zoning district as described in and per the map attached as Exhibit "B" **(Law)** *Introduced at the April 27 regular meeting; Public Hearing held on June 3 at 5 pm in Council Chambers*

**Pending  
Advertisement and Public Hearing Required by MPC  
Notice of Pending Ordinance Doctrine**

**Ordinance** - amending the City of Reading Code of Ordinances Chapter 27 Zoning by creating a new section in Part 11 Additional Requirements for Specific Uses of Zoning Districts by placing requirements for the rental of single family homes in areas zoned R-1, R-1a and R-2 and amending the definitions section **(Council Staff)** *Introduced January 2009; Public Hearing held March 18th at 5 p.m. in Council Chambers*

**Pending Further Review**

**Ordinance** - amending the City of Reading Codified Ordinances by creating a new Part 20 - Vacant Building Registration - in Chapter 10 Health and Safety Enforcement **(Council Staff & Law)** *Introduced at the April 13 regular meeting; reviewed and discussed at the April 20<sup>th</sup> work session; Referred to Public Safety Committee*

**INTRODUCTION OF NEW ORDINANCES**

**Ordinance** - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Fire Department Fees **(Man Dir)**

**RESOLUTIONS**

**Resolution** – Authorizing City Council support of the National Health Insurance Act of 2009, as proposed by H.R. 676, and the Family and Business Health Security Act, as proposed by H.B. 1660 and S.B. 400 **(Spencer)**

**Resolution** – endorsing Buy American (**Spencer**)

**Resolution** – appointing Tadd Casner to the Historical Architectural Review Board (**Admin Oversight**)

**Resolution** – appointing Theodore Auman to the Redevelopment Authority (**Admin Oversight**)

**Resolution** – reappointing Marcia Schmehl to the Disruptive Conduct Review Board (**Admin Oversight**)

**Resolution** – reappointing Barry Lloyd to the Charter Board (**Admin Oversight**)

**Resolution** – reappointing Christopher Fegley to the Minority Business Procurement Board (**Admin Oversight**)

#### **PUBLIC COMMENT - GENERAL MATTERS**

#### **COUNCIL BUSINESS / COMMENTS**

#### **COUNCIL MEETING SCHEDULE**

##### **Monday, June 22**

*Meeting with the Mayor – Mayor’s Office – 4 pm*

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

*Monday June 30*

*Wastewater Treatment Plant Update – Council Office – 5 p.m.*

##### **\*Friday, July 3\***

*INDEPENDENCE DAY HOLIDAY – City Hall Closed*

##### **Monday, July 6**

*Meeting with the Mayor – Mayor’s Office – 4 pm*

*Finance Committee – Council Office – 5 pm*

*Public Safety Committee – Council Office – 5 pm*

**Monday, July 13**

*Meeting with the Mayor – Mayor’s Office – 4 pm*

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

**BAC AND COMMUNITY GROUP MEETING SCHEDULE**

**Monday, June 22**

DID Authority – Reading Eagle 3<sup>rd</sup> Floor Conference Room – noon

BARTA – BARTA – 3 pm

Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm

**Tuesday, June 23**

Vending License Review Board – Council Chambers – 1 pm

Housing Authority Workshop – WC Building – 4 pm

Housing Authority Meeting – WC Building – 5 pm

Environmental Advisory Council – Council Office – 6 pm

Penn’s Commons Neighborhood Group – Penn’s Commons Meeting Room – 7 pm

**Wednesday, June 24**

Human Relations Commission – Penn Room – 5:30 pm

Parking Authority – Parking Authority Office – 5:30 pm

District 6 Crime Watch – 13<sup>th</sup> & Green Elementary School – 6:30 pm

Outlet Area Neighborhood Assn – St. Mark’s Lutheran Church – 6:30 pm

18<sup>th</sup> & Cotton Community Crime Watch – St. Matthew’s Methodist – 7 pm

Northeast Crime Watch – Northeast Library – 7 pm

Stadium Commission – RBI Room – 7:30 pm

**Thursday, June 25**

Water Authority – Penn Room – 4 pm

**Wednesday, July 1**

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St. Paul’s Lutheran Church – 6:30 pm

**Thursday, July 2**

Police Civil Service Board – Penn Room – noon  
Glenside Community Council – Jamestown Conference Room – 6:30 pm  
District 3 Crime Watch – Calvary Baptist Church – 7 pm

**Monday, July 6**

Centre Park Artifacts Bank – 705 N 5<sup>th</sup> St – noon  
Wyomissing Park Property Owner's Assn – Member's Homes – 6:30 pm  
Shade Tree Commission – Planning Conference Room – 7 pm

**Tuesday, July 7**

Charter Board – Penn Room – 7 pm

**Wednesday, July 8**

Zoning Hearing Board – Penn Room – 5:30 pm  
Center City Community Organization – Holy Cross Church – 6 pm  
Greenwich Seed – Hope Lutheran Church – 6:30 pm

**Thursday, July 9**

Police Pension Board – Penn Room – 10 am  
Southeast Community Council – Amanda Stoudt Elementary School – 7 pm  
Legislative Aide Committee – Penn Room – 7:30 pm

**Sunday, July 12**

College Heights Community Council – Nativity Lutheran Church – 7 pm

**Monday, July 13**

Fire Civil Service Board – Penn Room – 4 pm  
6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity Fieldhouse – 6:30 pm

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**CITY COUNCIL MEETING  
TUESDAY, MAY 26, 2009**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Council President Vaughn D, Spencer.

All present pledged to the flag.

**ATTENDANCE**

Council President Vaughn Spencer  
Councilor Steve Fuhs, District 1  
Councilor Marcia Goodman-Hinnershitz, District 2  
Councilor Dennis Sterner, District 3  
Councilor Stratton Marmarou, District 4  
Councilor Maria Baez, District 5  
Councilor Jeffrey Waltman, District 6  
Mayor, Thomas McMahon  
City Auditor, D. Cituk  
Legal Specialist, T. Butler  
Sgt. at Arms, Captain R. Schafer  
Public Works Director, C. Jones  
City Clerk, L. Kelleher

**PROCLAMATIONS AND PRESENTATIONS**

**City Council issued the following Commendations:**

- Recognizing National Public Works Week, accepted by Public Works Director Charlie Jones
- Recognizing the 125<sup>th</sup> Anniversary of the Children's Home of Reading, accepted by Vincent J. LaSorsa, President and CEO
- Recognizing the achievements of Brian Appleton, Holy Name High School student
- Recognizing the achievements of Seona Choi, Holy Name High School student
- Recognizing the achievements of Ian Gavigan, Reading High School student

**PUBLIC COMMENT**

Council President Spencer announced that two (2) citizens were registered to address Council on non-agenda issues. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the conclusion of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the conclusion of the meeting was suspended. Council

President Spencer reminded the citizens registered to speak about the remaining public speaking rules.

**Jay Moyer, representing New Journey Methodist Church, 138 South 6<sup>th</sup> Street**, asked Council to consider removing the parking meters located in front of the church. He stated that the church has daily activities to support people in need of services such as the food bank. He stated that the parking meters interfere with the church's daily operations and delivery of their services.

**Jeannette Firek, South 18<sup>th</sup> Street**, expressed the belief that the K-9 Unit should remain operational. She inquired why the City F.O.P. did not raise the issue pertaining to the selection procedure before the canine team was trained and formed.

### **AGENDA & MINUTES**

Councilor President Spencer asked Council to consider the minutes from the May 11<sup>th</sup> regular meeting and the agenda for this meeting including the items listed under the Consent Agenda heading. He noted the need to add two (2) pieces of legislation as follows:

- Resolution decertifying the KOZ (Keystone/Opportunity Stone) at Fritz's Island.
- Introduction of ordinance revoking the need for funeral homes to purchase No Parking signs.

**Councilor Baez moved, seconded by Councilor Waltman, to approve the minutes from the May 11<sup>th</sup> regular meeting and to adopt the agenda, as amended, along with the legislation listed under the consent agenda heading. The motion was approved unanimously.**

### **Consent Agenda Legislation**

**Resolution 57-2009** authorizing the Mayor to execute a FFY2008 one year Action Plan and FFY2004 to FFY2008 five year Consolidated Plan amendment (**Community Development**)

**Resolution 58-2009** updates to Met-Ed lighting agreement (**Managing Director**)

**Resolution 59-2009** requesting Met-Ed install additional street lights along N. 13<sup>th</sup> Street from Rockland St to the City line (**Traffic Engineering**)

**Resolution 60-2009** authorizing the filing of an application for "RACP" funds in the amount of five hundred thousand dollars (\$500,000.00) for the YMCA of Reading and Berks County "Living the Legacy Capital Campaign" and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania (**Redevelopment Authority**)

**Resolution 61-2009** to approve a Sewage Planning Module for the Redevelopment Authority Penn Street Hotel and Garage project (**Public Works**)

### **ADMINISTRATIVE REPORT**

As the Managing Director was absent the report was read in his stead. The report covers the following:



- Centre Park Garden Tour and 2<sup>nd</sup> quarterly neighborhood meeting
- Budget Summit scheduled for June 20<sup>th</sup> in Council Chambers at 9 am.
- Public Meeting on June 3<sup>rd</sup> at 7 pm regarding the City Park Bandshell project.

Councilor Goodman-Hinnershitz inquired if this Public Meeting will provide opportunity for preliminary review of the proposed plan and public comment. Mayor McMahon replied that public comment about the preliminary plan can be given at this meeting.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- Collection of 2009 admission tax/fee
- Collection of the 2009 real estate transfer tax

### **ORDINANCES FOR FINAL PASSAGE**

**Ordinance 27-2009** amending Section 6 Prohibited Behaviors of the Code of Ethics by adding a provision regarding Fraudulent Behavior and amending the provisions regarding Use of City Property and Personnel and Political Activities (**Board of Ethics**)

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to table Bill No. 27-2009.**

**Bill No. 27-2009 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,  
President - 7.  
Nay: None - 0.**

Council President Spencer stated that this Bill was tabled to provide Council with opportunity to review the Bill with Board of Ethics Solicitor, Ed Stock.

**Ordinance 28-2009** approving collection procedures and adopting penalty, interest and schedule of attorney fees to be added to the amount collected as part of municipal claims for delinquent accounts for solid waste accounts (**Law**)

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 28-2009.**

Council President Spencer stated that this Ordinance will allow collections fees for Solid Waste accounts to be added on top of the amount due to the City.

**Bill No. 28-2009 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,  
President - 7.  
Nay: None – 0**

## **INTRODUCTION OF NEW ORDINANCES**

**Ordinance** - authorizing the Mayor to execute an easement agreement between the City of Reading and the Reading Area Water Authority thereby conveying unto the Reading Area Water Authority a non-exclusive, perpetual easement in gross upon that portion of premises known and designated as Easement 101-2 located within parcel ID # 530773-51-0576, along River Road, Reading, Berks County, Pennsylvania (**Law**)

**Ordinance** – revoking the need for funeral homes in the City of Reading to purchase No Parking signs.

## **RESOLUTIONS**

**Resolution 62 -2009** A Resolution Extending The Term Of Real Property, Earned Income Tax, Net Profits Mercantile, And Business Privilege Taxes Within A Specific Geographic Area In Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District) Designated As A Keystone Opportunity Zone, Keystone Opportunity Expansion Zone Or Keystone Opportunity Improvement Zone In Order To Foster Economic Opportunities, Stimulate Industrial, Commercial, And Residential Improvements And Prevent Physical And Infrastructure Deterioration Within Areas Of Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Upon Certain Terms And Conditions (**Law**)

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to adopt Resolution 62-2009.**

Councilor Goodman-Hinnershitz requested that the list of properties added to the KOZ zone be added to the resolution

Councilor Fuhs noted the importance of this tool to stimulate redevelopment in the City of Reading.

**The motion to adopted Resolution 62-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,  
President - 7.  
Nay: None - 0.**

**Resolution 63-2009** Removing Exemptions from Real Property Tax, Earned Income Tax, Net Profits Tax, Mercantile and Business Privilege Tax within a Specific Geographic Area in Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Designated As Part of the Southeast Keystone Opportunity Zone (**Law**)

**Councilor Marmarou moved, seconded by Councilor Fuhs, to adopt Resolution 63-2009.**

Councilor Waltman explained that in 1998 the Fritz Island parcel was put in the KOZ as a place saver. This 88 acre parcel can now be used as a swap to expand the incentive in areas the city would like to encourage redevelopment in.

Councilor Goodman-Hinnershitz stated that she will support all four (4) resolutions pertaining to this transaction as this will stimulate redevelopment that will benefit the City's tax base long-term. She stated that the KOZ will provide an important edge for the City as they compete for redevelopment projects.

Councilor Fuhs explained that local incentives are necessary as Pennsylvania is not a business friendly state.

Councilor President Spencer stated that he will support some of this legislative package, but not all, as he does not believe in freezing taxes for some of the properties added to the list.

**The motion to adopt Resolution 63-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman - 6**

**Nay: Spencer, President –1.**

**Resolution 64-2009** Authorizing Real Property, Earned Income Tax, Net Profits Mercantile, And Business Privilege Taxes Within A Specific Geographic Area In Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Designated As A Proposed Keystone Opportunity Zone In Order To Foster Economic Opportunities, Stimulate Industrial, Commercial, And Residential Improvements And Prevent Physical And Infrastructure Deterioration Within Areas Of Reading, Berks County, Commonwealth Of Pennsylvania (Reading School District), Upon Certain Terms And Conditions (**Law**)

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to adopt Resolution 64-2009.**

**The motion to adopt Resolution 64-2009 was adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.**

**Nay – None - 0.**

**Resolution 65-2009** Removing Tax Exemptions from properties located in the Southeast Keystone Opportunity Zone known as Fritz's Island

**Councilor Baez moved, seconded by Councilor Fuhs, to adopt Resolution 65-2009.**

The motion to adopt Resolution 65-2009 was adopted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,  
President - 7.  
Nay – None - 0.**

**Resolution 66–2009** reappointing Carl Herbein to the Convention Center Authority  
**(Administrative Oversight)**

**Resolution 67-2009** appointing Nicole Mengel-Groff to the Animal Control Board  
**(Administrative Oversight)**

**Resolution 68–2009** appointing Boyd Wagner to the Animal Control Board **(Administrative Oversight)**

**Resolution 69–2009** appointing Glenn Schmehl to the Fire Diversity Board **(Administrative Oversight)**

**The Administrative Oversight moves to adopt the appointments and reappointments No. 66-2009 – 69-2009.**

Councilor Marmarou noted the attributes of those being reappointed and appointed at this evenings meeting.

**Resolutions 66-2009 – 69-2009 were adopted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,  
President - 7.  
Nay: None - 0.**

#### **COUNCIL COMMENT**

Councilor Fuhs noted the misconception that the \$500,000.00 coming to the City to form the K-9 unit was donated by the Berks County Community Foundation. He stated that this \$500,000.00 was drug forfeiture money held by the foundation during the City's dispute with former District Attorney Mark Baldwin.

Councilor Fuhs noted the neighborhood meeting scheduled with Hazel Street residents on Wednesday, May 27 at 6pm at St. Anthony's Hall.

Councilor Fuhs thanked the City's Vice Unit along with community members for their assistance in organizing a sting at the Silver Spa and Osaka business where prostitution was occurring.

Councilor Sterner congratulated those receiving Council commendations at this evenings meeting. He noted the importance of recognizing the achievements of the City's young adults and their parents.

Councilor Sterner agreed with the need to continue the City's K-9 unit as this provides a valuable support tool to the City's Police Department.

Councilor Sterner noted the upcoming community meeting in District 3.

Councilor Goodman-Hinnershitz noted the great Memorial Day parade and thanked the Reading Buccaneers for their participation and for providing the concert at Centre Park. She noted the great talent of the musicians who participate in the Buccaneers.

Councilor Goodman-Hinnershitz congratulated the academic achievements of the students honored at this evenings meeting.

Councilor Goodman-Hinnershitz noted the work of Ms. Firek to gather petition signatures to support the continuation of the City's K-9 unit.

Councilor Goodman-Hinnershitz described various projects to beautify District 2.

Councilor Marmarou announced the upcoming yard sale sponsored by the College Heights Community Council on May 30th. He also noted the Public Hearing concerning the start of The Heights Historic District on June 2 at 7 pm at 13<sup>th</sup> and Union Elementary School.

Councilor Baez congratulated the students and parents honored at tonight's meeting.

Council Baez announced the upcoming Glenside Community Group meeting scheduled for June 4.

Councilor Baez announced the upcoming mural project at District 5 businesses having large walls. The mural project will be used to deter graffiti in District 5. She asked any business owners with large wall space to contact her directly or to contact the City Council Office for more information.

Councilor Goodman-Hinnershitz asked Public Works Director Charlie Jones to elaborate on the changed regulations regarding the collection of grass clippings.

Public Works Director Charlie Jones stated that grass clippings cannot be placed in personal trash and he noted that due to new regulations grass clippings can no longer be mixed in with yard waste placed in recyclable bags curbside. He described various methods to re-use grass clippings and encouraged people with lawns to either compost the grass clippings or to purchase mulching mowers which eliminates the need for the clippings to be removed from the grass. He stated that due to the change in regulations grass clippings will be picked up curbside until June 12<sup>th</sup>.

Council President Spencer noted the many complaints concerning the lack of grass trimming at different City Parks and areas. He stated that at the Memorial Day Service at Veteran's Grove many people were quite upset that this area had not been trimmed before the service.

Public Works Director Jones apologized but noted that the City only has one crew currently on the trimming detail. He stated that the City only has one designated trimming crew due to tremendous amounts of yard waste that needs to be collected.

Councilor Marmarou noted that this is the third year that the grass has not been trimmed in Veteran's Grove for the Memorial Day weekend celebration. He suggested that Mr. Jones schedule accordingly so that the grass can be trimmed before this annual event.

Councilor Goodman-Hinnershitz noted the prior suggestions that the City seek community partnerships, to assist with trimming and cutting at public areas.

Councilor President Spencer reviewed the upcoming meeting schedule.

**Councilor Marmarou moved, seconded by Councilor Fuhs, to adjourn the regular meeting of Council.**

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Linda Kelleher CMC, City Clerk

BILL NO. \_\_\_\_\_  
AN ORDINANCE

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING,  
BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, ADMINISTRATIVE FEES, PUBLIC  
WORKS ENGINEERING FEES**

**THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Public Works Engineering Fees shall be and is hereby amended and shall hereafter be set forth as shown in Exhibit A attached hereto and made a part here.

**SECTION 2:** All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

**SECTION 3:** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT A

Department	Division	Item	Item	Current	New
Public Works	Engineering	Curb Permit	0-24'	\$120	\$250
Public Works	Engineering	Curb Permit	25-49'	\$135	\$300
Public Works	Engineering	Curb Permit	50-99'	\$150	\$350
Public Works	Engineering	Building Line Survey	0-49'	\$75	\$200
Public Works	Engineering	Building Line Survey	50-99'	\$100	\$250
Public Works	Engineering	Street Cut Permit	0-5 sq yard	\$140	\$150
Public Works	Engineering	Street Cut Permit	5 + sq yard, per additional yard	\$110	\$120
Public Works	Engineering	Street Restoration	1' by 15'	\$16	\$35
Public Works	Engineering	Street Restoration	2' by 15'	\$32	\$70
Public Works	Engineering	Driveway Permit	Residential	\$100	\$400
Public Works	Engineering	Driveway Permit	Commercial	\$200	\$450
Public Works	Engineering	Driveway Reconstruction		\$50	\$50
Public Works	Engineering	Sidewalk Occupancy		\$20	\$50
Public Works	Engineering	Sidewalk Vault		\$50	\$80
Public Works	Engineering	Sidewalk Repair Construction	Permit	\$35	\$80
Public Works	Engineering	Handicap	Permit	\$0	
Public Works	Engineering	Pole Fee	Permit	\$30	\$80
*Note fee now includes inspection costs					
Public Works	Engineering	Pole Fee Penalty		\$1000 + costs	\$1000 + costs



**TO:** City Council  
**FROM:** Ryan Hottenstein, Managing Director  
**PREPARED BY:** Cindy DeGroote, Grants Coordinator  
**MEETING DATE:** June 8, 2009  
**AGENDA MEMO DATE:** June 3, 2009  
**REQUESTED ACTION:** Council approve the ordinance to amend the CIP to modify funding in a total amount the amount of \$600,000 for new projects and reallocating \$40,000 from the Hillside Renovation project to the Kerper's Landing Renovation Project

#### **RECOMMENDATION**

The Administration recommends Council approve an ordinance authorizing the modification of CIP funds in the amount of \$40,000 from the Hillside Renovation Project to the Kerper's Landing Renovation Project.

The Administration further recommends the addition of two new projects:

1. An extension to River Rd.
2. Main Street infrastructure improvements

#### **BACKGROUND**

The City received grants from the Pennsylvania Fish and Boat Commission Boating Facility Grant Program and the Pennsylvania Department of Conservation and Natural Resource Community Conservation Partnerships Program to renovate the boat launch at Kerper's Landing located in Riverfront Park. The City needs an additional \$40,000 In order to complete the renovation project. The Hillside Playground Renovation Project is complete and has \$40,000 remaining in the CIP budget.

The City is has received an allocation of \$1.6 million in Federal Highway dollars for the extension of River Rd, which has an estimated total project cost of \$2 million. In order to secure these funds the City will need to provide a 20% local match, which amounts to \$400,000.00.

The City has submitted an application for a Main Street designation to the Pennsylvania Department of Community and Economic Development (DCED). A PA Main Street Community designation will help accomplish the goals outlined in the Downtown 20/20 plan. An allocation of \$200,000.00 will provide funding for necessary infrastructure improvements as identified by the Downtown 20/20 steering committee, as well as provide the necessary match for funds made available upon receipt of a Main Street designation.

**BUDGETARY IMPACT**

Zero impact to the General Fund; however, the CIP will be increased by \$600,000.00 for a new total of \$17,159,151.00.

**PREVIOUS ACTION**

None

**SUBSEQUENT ACTION**

None

**REVIEWED BY**

Public Works Director and Managing Director

**RECOMMENDED MOTION**

Approve/Deny the authorization to modify the CIP to move \$40,000 from the Hillside Renovation Project to the Kerper's Landing Renovation Project and increase the CIP in total by \$600,000 to provide matching funds for the extension of River Rd and Main Street infrastructure improvements.

**BILL NO. \_\_\_\_\_ 2009**

**AN ORDINANCE**

**AN ORDINANCE AMENDING THE FY 2006-2012 CAPITAL IMPROVEMENT PLAN FOR THE CITY OF READING.**

**SECTION 1.** The City Council amends the FY 2006-2012 Capital Improvement Program by reallocating \$40,000.00 from the Hillside Playground renovation project to the Kerper's Landing Renovation project.

**SECTION 2.** The City Council amends the FY 2006-2012 Capital Improvement Program totaling \$16,559,151.00 of debt funding by providing funds for the extension of River Rd. in the amount of \$400,000.00 and Main Street infrastructure improvements in the amount of \$200,000.00 for a new program total of \$17,159,151.00.

**SECTION 3.** The proposed amendments are set forth in Exhibit A, as attached hereto and made a part hereof.

**SECTION 4.** This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

## **EXHIBIT A**

**CITY OF READING  
CAPITAL IMPROVEMENTS PROGRAM  
FY 2006 - FY 2012**

PROJECT	YEAR	PROJ. COST	DEBT FINANCING	EXPENDITURES TO DATE	BALANCE	AMENDMENT	NEW BUDGET	STATUS
<b>2006</b>								
PLACE RESCUE 1	2006	\$450,000.00	\$450,000.00	\$462,441.00	(\$12,441.00)	\$12,441.00	\$462,441.00	COMPLETED
WATER RECOVERY	2006	\$1,250,000.00	\$1,250,000.00	\$1,252,025.00	(\$2,025.00)	\$2,025.00	\$1,252,025.00	COMPLETED
Disrupted Power Source	2006	\$67,000.00	\$67,000.00	\$16,900.00	\$50,100.00	\$0.00	\$67,000.00	IN PROGRESS
CHASE GIS SYSTEM FOR CITYWIDE*	2006	\$3,000,000.00	\$750,000.00	\$91,779.00	\$658,221.00	(\$568,221.00)	\$181,779.00	IN PROGRESS
OLD OAKBROOK FIRE STATION	2006	\$1,500,000.00	\$1,500,000.00	\$428,058.00	\$1,071,942.00	\$2,000,000.00	\$3,500,000.00	IN PROGRESS
RANGE CLASSROOM ADDITION	2006	\$52,000.00	\$52,000.00	\$0.00	\$52,000.00	\$200,000.00	\$252,000.00	IN PROGRESS
PUBLIC PROPERTY CITY HALL ROOF	2006	\$100,000.00	\$100,000.00	\$7,000.00	\$93,000.00	\$0.00	\$100,000.00	IN PROGRESS
Street Bridge Lighting Repairs	2006	\$87,000.00	\$87,000.00	\$0.00	\$87,000.00	\$0.00	\$87,000.00	IN PROGRESS
ROADWAYS SALT BRINE EQUIPMENT	2006	\$50,000.00	\$50,000.00	\$33,393.00	\$16,607.00	(\$16,607.00)	\$33,393.00	COMPLETED
WATER NORTHWEST BRANCH REPAIRS	2007	\$60,000.00	\$60,000.00	\$17,000.00	\$43,000.00	\$0.00	\$60,000.00	IN PROGRESS
EVIDENCE ROOM EXPANSION	2006	\$200,000.00	\$200,000.00	\$10,472.00	\$189,528.00	\$50,000.00	\$250,000.00	IN PROGRESS
PUBLIC PROPERTY STADIUM HIGH MAST REPLACEMENT	2006	\$152,000.00	\$152,000.00	\$115,290.00	\$36,710.00	(\$36,710.00)	\$115,290.00	COMPLETED
RECREATION BAER PARK PLAYGROUND RENOVATION	2006	\$100,000.00	\$50,000.00	\$3,975.00	\$46,025.00	\$0.00	\$50,000.00	IN PROGRESS
Unit	2006	\$100,000.00	\$100,000.00	\$100,000.00	\$0.00	\$0.00	\$100,000.00	COMPLETED
		\$7,168,000.00	\$4,868,000.00	\$2,538,333.00	\$2,329,667	\$1,642,928	\$6,510,928.00	
<b>2007</b>								
PLACE ENGINE 14	2007	\$475,000.00	\$475,000.00	\$473,538.00	\$1,462.00	(\$1,462.00)	\$473,538.00	COMPLETED
Downtown Camera Network	2007	\$1,785,000.00	\$390,000.00	\$91,560.00	\$298,440.00	\$0.00	\$390,000.00	IN PROGRESS

MAIN BRANCH RENOVATION	2007	\$140,000.00	\$140,000.00	\$0.00	\$40,000.00	(\$100,000.00)	\$40,000.00	IN PROGRESS
REATION CITY PARK RENOVATION	2007	\$1,050,000.00	\$1,500,000.00	\$49,504.00	\$1,450,496.00	\$0.00	\$1,500,000.00	COMPLETED
WAYS TRASH COMPACTOR TRUCK	2007	\$120,000.00	\$120,000.00	\$103,394.00	\$16,606.00	(\$16,606.00)	\$103,394.00	COMPLETED
LIC PROPERTY BANDSHELL REHABILITATION	2007	\$80,000.00	\$80,000.00	\$45,337.00	\$34,663.00	\$0.00	\$80,000.00	IN PROGRESS
LIC PROPERTY Pagoda Renovations	2007	\$1,443,900.00	\$1,443,900.00	\$100,468.00	\$343,432.00	\$0.00	\$1,443,900.00	IN PROGRESS
WAYS DUMP TRUCK	2007	\$110,000.00	\$110,000.00	\$64,615.00	\$45,385.00	(\$64,615.00)	\$45,385.00	COMPLETED
REATION BAER PARK PLAYGROUND RENOVATION	2007	\$100,000.00	\$50,000.00	\$3,975.00	\$46,025.00	\$0.00	\$50,000.00	IN PROGRESS
REATION Hillside Playground Renovation	2007	\$70,000.00	\$60,000.00	\$2,230.00	\$0.00	\$0.00	\$0.00	COMPLETED
LINE DRIVE WALL REPAIR	2007	\$171,500.00	\$171,500.00	\$0.00	\$171,500.00	\$0.00	\$171,500.00	IN PROGRESS
FFIC ENGINEERING BUCKET TRUCK	2007	\$70,000.00	\$70,000.00	\$21,740.00	\$48,260.00	(\$48,260.00)	\$21,740.00	COMPLETED
REATION SCHLEGEL PARK POOL REPLASTER/TILE	2007	\$150,000.00	\$150,000.00	\$202,100.00	(\$52,100.00)	\$52,100.00	\$202,100.00	COMPLETED
FFIC ENGINEERING HANDICAP RAMPS	2007	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
LIC PROPERTY 6 & PENN COURTYARD UPGRADE	2007	\$120,000.00	\$120,000.00	\$0.00	\$12,000.00	\$0.00	\$120,000.00	IN PROGRESS
LIC PROPERTY ATHLETIC FIELD LIGHTING	2007	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
KS City Park Pond Remediation & Water Feature	2007	\$230,000.00	(\$230,000.00)	\$0.00	\$0.00	(\$230,000.00)	\$0.00	CDBG
ET GARAGE OVERHEAD LUBRICATION SYSTEM	2007	\$114,666.00	\$114,666.00	\$0.00	\$114,666.00	\$0.00	\$114,666.00	IN PROGRESS
		\$6,330,066.00	\$4,665,066.00	\$1,158,461	\$2,570,835	(\$508,843)	\$4,756,223.00	

<b>2008</b>								
LD PENN STREET FIRE STATION	2008	\$2,500,000.00	\$2,500,000.00	\$0.00	\$2,500,000.00	(\$2,500,000.00)	\$0.00	DELETED
LIC PROPERTY STADIUM FIELD LIGHTING UPGRADES	2007	\$60,000.00	\$60,000.00	\$0.00	\$60,000.00	\$0.00	\$60,000.00	IN PROGRESS
LIC PROPERTY STADIUM HIGH MAST PAINTING	2007	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	IN PROGRESS
LIC PROPERTY CITY HALL BRASS RESTORATION	2007	\$75,000.00	\$75,000.00	\$0.00	\$75,000.00	(\$75,000.00)	\$0.00	DELETED
DOOR FURNISHINGS	2007	\$60,000.00	\$60,000.00	\$0.00	\$60,000.00	(\$60,000.00)	\$0.00	DELETED
REATION 3rd & SPRING PLAYGROUND RENOVATION	2008	\$160,000.00	(\$80,000.00)	\$0.00	\$0.00	(\$80,000.00)	\$0.00	CDBG
REATION BAER PARK FIELD HOUSE RENOVATION	2008	\$100,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG

are	2008	\$126,000.00	\$126,000.00	\$0.00	\$126,000.00	\$0.00	\$126,000.00	IN PROGRESS
REATION Angelica Nature Center	2008	\$1,000,000.00	\$1,000,000.00	\$0.00	\$1,000,000.00	\$0.00	\$1,000,000.00	
re	2008	\$365,000.00	\$365,000.00	\$0.00	\$365,000.00	\$0.00	\$365,000.00	IN PROGRESS
URITY City Hall	2008	\$30,600.00	\$30,600.00	\$0.00	\$30,600.00	(\$30,600.00)	\$0.00	DELETED
IG Green Roof for City Hall	2008	\$336,000.00	\$336,000.00	\$0.00	\$336,000.00	(\$336,000.00)	\$0.00	DELETED
KS Duryea Drive Guard Rails	2009	\$230,000.00	\$230,000.00	\$0.00	\$230,000.00	\$0.00	\$230,000.00	IN PROGRESS
L MULTIMEDIA UPGRADE Council Chambers	2008	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	
		\$5,142,600.00	\$4,752,600.00	\$0.00	\$4,882,600.00	(\$3,131,600.00)	\$1,881,000.00	

<b>2009</b>								
WAYS FRONT END LOADER	2008	\$175,000.00	\$175,000.00	\$0.00	\$175,000.00	\$0.00	\$175,000.00	
WAYS STREET SWEEPERS	2007	\$300,000.00	\$300,000.00	\$0.00	\$300,000.00	\$0.00	\$300,000.00	
ET BIG TRUCK LIFT	2008	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00	DELETED
FFIC ENGINEERING HANDICAP RAMPS	2007	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
LD NEW HAMPDEN/MARION FIRE STATION	2009	\$2,500,000.00	\$2,500,000.00	\$0.00	\$2,500,000.00	(\$2,500,000.00)	\$0.00	DELETED
REATION NORTHMONT PLAYGROUND RENOVATION	2009	\$160,000.00	(\$80,000.00)	\$0.00	\$0.00	(\$80,000.00)	\$0.00	CDBG
OFFCIE First Energy Stadium Repair	2009	\$26,000,000.00	\$1,300,000.00	\$0.00	\$1,300,000.00	\$0.00	\$1,300,000.00	IN PROGRESS
EETS Bridge Repair	2009	\$450,000.00	\$450,000.00	\$0.00	\$450,000.00	\$0.00	\$450,000.00	
KS City Hall Improvements	2009	\$150,000.00	\$150,000.00	\$0.00	\$150,000.00	\$0.00	\$150,000.00	
EETS Main Street Infrastructure Improvements	2009	\$1,500,000.00	\$200,000.00	\$0.00	\$200,000.00	\$0.00	\$200,000.00	
		\$31,335,000.00	\$4,995,000.00	\$0	\$5,125,000	(\$2,680,000)	\$2,575,000.00	

<b>2010</b>								
can American Museum Site Preparation	2007	\$6,170,000.00	\$500,000.00	\$0.00	\$500,000.00	\$0.00	\$500,000.00	IN PROGRESS
Y SOUTHEAST BRANCH REPAIRS	2008	\$70,000.00	\$70,000.00	\$0.00	\$70,000.00	\$0.00	\$70,000.00	DELETED
EY AND ROW IMPROVEMENTS	2008	\$250,000.00	\$200,000.00	\$0.00	\$200,000.00	(\$200,000.00)	\$0.00	DELETED
LIC PROPERTY ATHLETIC FACILITIES LIGHTING	2008	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00	DELETED
FFIC ENGINEERING HANDICAP RAMPS	2008	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
KS FRONT END LOADER	2009	\$120,000.00	\$120,000.00	\$0.00	\$120,000.00	(\$120,000.00)	\$0.00	DELETED

WAYS STREET SWEEPERS	2009	\$300,000.00	\$300,000.00	\$0.00	\$300,000.00	(\$300,000.00)	\$0.00	DELETED
Y MAIN BRANCH EXPANSION	2010	\$8,000,000.00	\$2,000,000.00	\$0.00	\$2,000,000.00	(\$2,000,000.00)	\$0.00	DELETED
REATION KEFFER PARK FIELD HOUSE RENOVATION	2008	\$100,000.00	\$40,000.00	\$0.00	\$0.00	\$40,000.00	\$0.00	IN
n Dynamic Portal	2008	\$286,000.00	\$286,000.00	\$0.00	\$286,000.00	\$0.00	\$286,000.00	PROGRESS
ETS River Road Extension	2010	\$2,000,000.00	\$400,000.00	\$0.00	\$400,000.00	\$0.00	\$400,000.00	
		\$17,396,000.00	\$3,916,000.00	\$0	\$3,926,000	(\$2,680,000)	\$1,256,000.00	

<b>2011</b>								
WAYS STREET SWEEPERS	2010	\$300,000.00	\$300,000.00	\$0.00	\$300,000.00	(\$300,000.00)	\$0.00	DELETED
KS GROUNDMASTER TRACTOR	2010	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	
Y New NW Branch	2011	\$1,800,000.00	\$1,800,000.00	\$0.00	\$1,800,000.00	(\$1,800,000.00)	\$0.00	DELETED
LIC PROPERTY ATHLETIC FACILITIES LIGHTING	2010	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00	DELETED
Y NORTHEAST BRANCH REPAIRS	2009	\$70,000.00	\$70,000.00	\$0.00	\$70,000.00	\$0.00	\$70,000.00	
FFIC ENGINEERING HANDICAP RAMPS	2008	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
FFIC ENGINEERING HANDICAP RAMPS	2008	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
NING Whitewater Park	2007	\$522,810.00	\$525,000.00	\$0.00	\$525,000.00	(\$525,000.00)	\$0.00	DELETED
REATION PENDORA PARK FIELD HOUSE RENOVATION	2008	\$200,000.00	(\$100,000.00)	\$0.00	\$0.00	(\$100,000.00)	\$0.00	CDBG
BOOK MOBILE REPLACEMENT	2010	\$120,000.00	\$120,000.00	\$0.00	\$120,000.00	(\$120,000.00)	\$0.00	CDBG
EY AND ROW IMPROVEMENTS	2009	\$250,000.00	\$250,000.00	\$0.00	\$250,000.00	(\$250,000.00)	\$0.00	DELETED
EY AND ROW IMPROVEMENTS	2010	\$250,000.00	\$250,000.00	\$0.00	\$250,000.00	(\$250,000.00)	\$0.00	DELETED
LIC PROPERTY STADIUM FIELD LIGHTING UPGRADES	2010	\$60,000.00	\$60,000.00	\$0.00	\$60,000.00	\$0.00	\$60,000.00	
		\$3,772,810.00	\$3,275,000.00	\$0	\$3,475,000	(\$3,495,000)	\$180,000.00	

P		\$71,144,476.00	\$26,471,666.00	\$3,696,794	\$22,309,102	(\$10,852,515)	\$17,159,151.00	
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The estimated schedule for the drawing down of funds  
for the remainig four years of the CIP is as follows:

Approximately \$13.2 million remains in eligible CIP projects.



The City of Reading would expend approximately \$3.3 million per year from the beginning of 2009 to the completion of the last CIP projects which are scheduled for 2011.

This annual expenditure translates into a monthly expenditure of approximately \$275,000 or approximately \$1.65 million every six months. While the CIP project list concludes in 2011 it is expected final completion of all projects would not occur until 2012.

Stadium high mast replacement project is proposed to remain unscheduled until final determination of whether to renovate or re-locate Municipal Stadium is made.

Though street paving is budgeted every year, the magnitude of the effort is beyond the City's financial capacity, thus proposing State and Federal funding. The project will not be debt financed, but the life of a road is less than 10 years making it a poor candidate for such funding.

Street Improvements match will be drawn over a period of 5 years

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**\*\*Please note – Table of contents page numbers will correspond with Code of Ethics pagination, not agenda pagination\*\***

## SECTION 1. Declaration of Policy

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

Each official or employee of the City must be constantly on guard against conflicts of interest. No official or employee should be involved in any activity which might be seen as conflicting with his/her responsibilities to the City. The people of Reading have a right to expect that their representatives act with independence and fairness towards all groups and not favor a few individuals or themselves.

The following principles, although not representing substantive rights, are fundamental driving forces for officials and employees of the City of Reading in everything they do<sup>1</sup>:

- A. **Public Office as a Public Trust.** Public servants should treat their office as a public trust, only using the powers and resources of public office to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.
- B. **Independent Objective Judgment.** Public servants should employ independent objective judgment in performing their duties, deciding all matters on the merits, free from avoidable conflicts of interest and both real and apparent improper influences.
- C. **Accountability.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- D. **Democratic Leadership.** Public servants should honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws and rules.
- E. **Respectability and Fitness for Public Office.** Public servants should safeguard public confidence in the integrity of government by being honest, fair, caring and respectful and by avoiding conduct creating the

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<sup>1</sup>Josephson Institute for the Advancement of Ethics, *Preserving the Public Trust*, 1990.

appearance of impropriety or which is otherwise unbefitting a public official. In recognition of these aforementioned goals and principles, there is hereby established a Code of Ethics to be administered by the Board of Ethics. The purpose of this Code is to establish ethical standards of conduct for all officials and employees of the City of Reading, its agencies and authorities, whether elected or appointed, paid or unpaid, by providing guidelines to clarify actions or inactions which are incompatible with the best interests of the City and by directing disclosure of private, financial or other interests in matters affecting the City. The provisions and purpose of this Code and such rules, regulations, opinions and disciplinary decisions as may be promulgated by the Board pursuant hereto, and under provisions of Article XII of the Charter, are hereby declared to be in the best interest of the City.

## **SECTION 2. Board of Ethics**

Reference is made to Section 1201(c) of the Charter of the City of Reading.

### **A. Composition and Structure of Board.**

1. **Composition.** The Board established under Section 1201 of the City of Reading Home Rule Charter shall be composed of five (5) residents of the City of Reading.
2. **Terms of Service.** Members of the Board shall serve for terms of three (3) years, except that members shall continue to serve until their successors are appointed and qualified. The terms of the initial members shall be staggered, with one member serving a term of one year, two members serving for two years, and two members serving for three years.
3. **Vacancy.** An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he/she succeeds and is eligible for appointment thereafter according to the terms herein.
4. **Election of Chairperson and Vice Chairperson.** The Board shall elect a chairperson and a vice chairperson annually at a meeting held in July of each year. The vice chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position.
5. **Quorum.** A majority of the members of the Board shall constitute a quorum and, except as provided in Sections 9.C. and 9.D., the

votes of a majority of the members present are required for any action or recommendation of the Board.

6. **Staff.** The Board shall appoint a solicitor, a secretary and such other staff as may be deemed necessary. The solicitor, secretary and such other staff as may be necessarily appointed need not be members of the Board.
7. **Meetings.** The Board shall meet at the call of the Chairperson or at the call of a majority of its members.
8. **Investigative Officer.** The Board shall appoint an investigating officer as set forth herein. The Board shall, from time to time, determine an amount to be paid as reasonable compensation to the investigating officer as payment for such services. The investigative officer shall be a member in good standing of the Berks County Bar and shall have so been for at least five (5) years. The investigative officer need not be a resident of the City of Reading and shall not be a Board member. The investigating officer is authorized to retain the services of investigators and may only delegate non-discretionary functions.

B. **Powers and duties:** The powers and the duties of the Board of Ethics may be summarized as follows:

1. Give advice as to the application of the ethics provisions of the Charter of the City of Reading and this Code of Ethics.
2. Receive and dispose of complaints of violations of the ethics provisions of the Charter and Code of Ethics, and exercise discretion in declining to pursue an investigation if such a course would be in the best interest of the citizens of the City of Reading or where the activity complained of amounts to no more than a de minimis violation.
3. Appoint an investigating officer to conduct investigations and to issue findings reports where appropriate.
4. Hold hearings, issue subpoenas and compel the attendance of witnesses, administer oaths, take testimony, require evidence on any matter under investigation before the Board, and issue orders, including but not limited to those related to adjudications and penalties.

5. Conduct educational programs to promote the ethical conduct of public officials, City employees, and individuals and groups doing business with the City.
6. Adopt rules and regulations to administer, implement, enforce and interpret the Code of Ethics.
7. Annually review the statements of financial interest filed pursuant to Section 4 of the Code.

C. **Prohibitions.** Due to their special position, Board members have a higher duty than other public officials to avoid conflicts of interest. Respect for the Code can be maintained only if members are models of ethical behavior. The prohibitions in this section are in addition to the duties, responsibilities or obligations imposed upon the Board members as public officials under other provisions of the Code.

1. No member may hold or campaign for any other public office.
2. No member may hold office in any political party or political organization or political committee.
3. No member may hold a position of employment or appointment with any municipal government or any board or commission formed by the City of Reading.
4. No member may actively participate in or contribute to any political campaign in the City of Reading for a candidate running for or from the office of the Mayor, President of Council, Council Member, or Auditor. This does not abridge the right of a member to vote or attend a debate, speech or similar event that is held primarily for the purpose of communicating a candidate's platform or position on issues of public concern.
5. No member shall receive compensation but shall be reimbursed by the City for documented expenses actually incurred.

D. **Preservation.** Complaints and proceedings pending before the Board at the time this Code is adopted shall be preserved insofar as they are consistent with recent orders of the Court of Common Pleas of Berks County. The Board shall take any and all steps necessary to adjudicate all pending complaints so as to comply with said orders, including the establishment of a committee of Board members not previously involved in the disposition of said complaints to adjudicate and dispose of the same.

Said committee shall consist of at least three (3) Board members and shall act with the authority of the Board in adjudicating said complaints and instituting penalties and restitution where applicable.

### **SECTION 3. Definitions**

For the purposes of this Code, the following terms shall have the following definitions. All other words and phrases shall have their normal meaning unless further defined herein.

- A. **Appearance of Impropriety.** The perception that wrong-doing or misconduct may have occurred. When a reasonable person could reasonably believe that improper actions have taken or are taking place.
- B. **Board.** The Board of Ethics of the City of Reading.
- C. **Candidate.** Any individual who seeks nomination or election to public office normally decided by vote of the electorate, whether such individual is elected by the electorate or is appointed.
- D. **Charter.** City of Reading Home Rule Charter.
- E. **Code.** City of Reading Code of Ethics.
- F. **Conflict of Interest.** Situation(s) or potential situation(s) in which a public official or employee uses or may use his/her office or employment for the private gain of himself/herself, a member of his/her immediate family or a business of any type with which he/she or a member of his/her immediate family has a material interest.
- G. **Elected Official.** An official elected or appointed to fill a position normally filled by election.
- H. **Employee.** Any individual receiving salary or wages from the City of Reading.
- I. **Immediate Family.** A parent, spouse, living partner, child, brother or sister, natural or adopted.
- J. **Material Interest.** Direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any business entity.
- K. **Officer.** Investigating Officer appointed by the Board to oversee the investigative procedures on behalf of the Board. The investigating officer



need not be a Board member and may be compensated as any other member of the staff.

- L. **Official.** Any elected or appointed paid or unpaid member of the government of the City of Reading.
- M. **Political Activity.** Any activity which promotes the candidacy of any individual seeking elective office, or the advocacy of any political party or position, including but not limited to the circulation of election petitions and the sale or distribution of fund raising items or tickets.
- N. **Private Gain.** Of personal benefit, whether economic, social, or otherwise.
- O. **Violation.** A violation is any activity that is restricted by the ethics provisions of the Charter and/or the Code.

#### **SECTION 4. Statement of Financial Interests**

Any official or employee of the City or authorities or boards with decision-making authority shall file with the City Clerk a Statement of Financial Interests for the preceding calendar year by May 1 of each year, as defined by the State Code of Ethics. Any individual appointed to such a position after May 1 has fifteen working days to file the Statement of Financial Interest. All statements must be made available for public inspection and copying at an amount not to exceed actual costs.

#### **SECTION 5. Disclosure of Confidential Information**

City employees and officials often have access to important non-public information regarding the property, operations, policies or affairs of the City. Such information may concern, among other things, employees and officials, real estate transactions, expansion of public facilities, or other City projects. Using or furnishing information that would place employees or recipients in an advantageous position over the general public constitutes a violation of public trust. Anyone who is privy to confidential information may not disclose that information to any private citizen and should disclose it to other public employees only if appropriate and in the normal course of their duties as employees or officials of the City of Reading.

Should an official or employee find himself/herself in any direct or indirect financial interest with any person or other entity proposing to contract with the City that individual must fully disclose said interest and refrain from voting upon or otherwise participating in the transaction or the making of such decision, contract or sale. Violation of this

section shall render the contract voidable by the decision-making body or upon review and authority of the Board of Ethics.

## **SECTION 6. Prohibited Behaviors**

### **A. Conflicts of Interest**

1. Employees and officials of the City may not bid on or have a material interest in:
  - a. the furnishing of any materials, supplies or services to be used in the work of the City;
  - b. contracts for the construction of any City facility;
  - c. the sale of any property to the City or the purchase of any property from the city unless said property is offered to the general public at auction or by competitive bid.
2. Employees and officials of the City may not:
  - a. use or attempt to use their official position to secure special privileges or exemptions for themselves or others;
  - b. accept employment or engage in any business or professional activity which might reasonably be expected to require or induce the disclosure of confidential information acquired by the public officer or employee by reason of their official position;
  - c. disclose to others, or use for personal benefit, any confidential information gained by reason of an official position;
  - d. accept other employment which might impair the independence or judgment of the public officer or employee in the performance of public duty;
  - e. receive any compensation for official services to the City from any source other than the City;

- f. transact any business in an official capacity with any other business entity of which the public officer or employee is an officer, director, agent, member, or owns a material interest;
- g. have personal investments in any enterprise which will create a substantial conflict between any private interest and the public interest.

- 3. Outside Employment. City officials or employees may accept, have, or hold any employment or contractual relationship with any individual, partnership, association, corporation (profit or non-profit), utility or other organization, whether public or private, but only if the employment or contractual relationship does not constitute a conflict of interest or impair their efficiency.
- 4. Officials and employees shall not engage in conduct prohibited under Section 1201(a) of the Charter.

**B. Solicitation/Acceptance of Gifts; Rebuttable Presumption**

No official or employee shall accept gifts and other things of value in return for a favorable decision or vote (City Charter, Section 1201 (a)). In all but de minimis cases, gifts received must be publicly recorded and submitted to the City Clerk specifying the date received, the name and address of the donor, and the value of the gift. Under no circumstance shall officials or employees solicit gifts of any kind. A gift having a value in excess of twenty-five dollars (\$25.00) may not be considered de minimis.

The term gift for the purposes of this Code means any gratuity, benefit, or any other thing of value which is accepted by, paid for, or given to a City employee, elected or appointed officials or by another on their behalf either directly or indirectly without consideration of equal or greater value. The term gift may include, by way of illustration and without limitation to, the following:

- 1. Preferential rate or terms on a debt, loan, goods, or services which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin;

2. Transportation, lodging, or parking;
3. Food or beverage, other than that consumed at a single sitting or event; and
4. Membership dues.

| City employees or officials shall not solicit or accept gifts, either directly or indirectly, from any person or entity doing business with or under regulation by the City or from the agent or lobbyist of such person or entity except on behalf of the City. The solicitation or acceptance of gifts shall create a rebuttable presumption that the employee knew or should have known that such solicitation or acceptance was based on an understanding that his/her official actions or judgments would thereby be influenced.

**C. Nepotism**

Hiring a relative is a special type of a conflict of interest that should be avoided. No public official or employee shall appoint, hire, advance or advocate the appointing, hiring or advancing of a member of his/her immediate family or household member to a city position, as provided in the City of Reading Personnel Code.

**D. Whistle Blowing**

Employees are expected to expose a violation of the Code of Ethics by any employee or business entity with which the City is doing business if such a violation creates a serious and specific danger to the public's health, safety or welfare.

Employees are expected to expose improper use of public office or any other abuse or neglect on the part of a city employee or public official. An employee with knowledge of actions or activities of ethical concern shall report them to the Board of Ethics. The identity of the employee will be confidential information of the Board of Ethics until a full investigation is initiated.

Retaliation against an employee who reports any violation, abuse or other improper action is strictly prohibited. Any such action will be a violation of the Code of Ethics and subject to the disciplinary and corrective action as ordered by the Board of Ethics.

**E. Fraudulent or Other Activity.** City employees or officials are expected to act ethically in the performance of all duties and responsibilities and avoid any involvement with, or any appearance of, behavior constituting fraud,

misappropriation or other inappropriate conduct while carrying out the duties and obligations of their employment or office.

City employees or officials may not willfully or deliberately act, attempt to act, conspire to act, or solicit with the intent to act, carry out, or participate in any of the following activities:

- a. Embezzlement of money or resources for private purposes or use, from any City official, City employee, City department, City contractor or subcontractor, or third party agent doing business with the City government;
  - b. Misappropriation of City funds, supplies, assets or resources;
  - c. Falsification of any City record, including personnel records;
  - d. Forgery or alteration of any check, bank draft, bank account, or other financial document;
  - e. Forgery or alteration of timecard data and/or information;
  - f. Receipt of a bribe or kickback, or willing participation in a scheme of bribery;
  - g. Impropriety in the handling or reporting of money or financial transactions;
  - h. Using insider knowledge of City activities to earn or generate any gift, profit or pecuniary benefit;
  - i. Accepting, requesting, or seeking any material item or pecuniary benefit from contractors, vendors or parties providing services or materials to the City;
  - k. Unauthorized destruction, removal or inappropriate use of City property, including data records, furniture, fixtures and equipment;
  - l. Making false or intentionally misleading written or oral statements or representations in carrying out any official or employment duty or obligation; or
  - m. Participation in any willful or deliberate act carried out with the intention of obtaining an unearned or unauthorized benefit by way of deception or other unethical means.
- City employees or officials are to be familiar with the types of fraud and the potential activities and circumstances that may give rise to a fraudulent activity within his or her department, bureau, and area of responsibility.

City employees or officials are charged with the duty to be alert for any indication of fraudulent activity and all City employees or officials have a duty to report immediately any suspected fraudulent activity to the City Board of Ethics.

#### **E. F. Use of City Property and Personnel**

~~No personnel, equipment, supplies, facilities, vehicles, or any other property of the City may be used by employees or officials for private use. It is improper and may be unlawful for supervisors to use subordinates for their personal benefit. Reference is made to the City of Reading Personnel Code.~~

City employees or officials may not use any personnel, equipment, supplies, facilities, vehicles, or any other property owned and belonging to the City for their private purposes, use, enjoyment, or benefit. City employees or officials who hold a supervisory position may not use the time, effort and resources of any subordinate City employees or official for their private purposes, use, enjoyment, or benefit. The provisions of this Section 6(F) are to be read together and with any related provision of the City of Reading Personnel Code.

#### **F. G. Political Activities**

~~Reference is hereby made to Sections 605(a) and 707 of the Charter and to Section 1.08 of the City of Reading Personnel Code. Said provisions are incorporated herein by reference and made a part hereof. The Board shall have jurisdiction over any matter where the executive branch of the government or City Council of the City of Reading has failed to take appropriate action in enforcing these provisions.~~

Section 605A and 707 of the City Charter and Section 1.08 of the City of Reading Personnel Code are incorporated herein by reference and made a part hereof. City employees or officials are to adhere to the sections restricting involvement in political activities as set forth in Sections 605A and 707 of the City Charter and Section 1.08 of the City of Reading Personnel Code. In the event that the City or City Council has failed to take appropriate action in enforcing the aforementioned provisions, then the Board of Ethics shall have jurisdiction to adjudicate any violation thereof.

### **SECTION 7. Penalties; Restitution**

#### **A. Penalties.**

Upon any violation of the city provisions, including the undertaking of wrongful acts as described above or in the City of Reading Home Rule Charter, any of the following penalties shall be available to the Ethics Board for imposition:

1. *Admonition.* In compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the City provisions;

2. *Public Censure.* In compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the City provisions took place and that the board strongly disapproves of the actions of the public official or public employee;
3. *Recommendation to the Managing Director of Suspension,* without compensation for a stated period of time not to exceed thirty (30) days, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant. If any such suspension is not imposed by the City, a written explanation of such decision shall be provided within five (5) days to the Board;
4. *Recommendation to the Managing Director of Termination* in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification going to the respondent, the Managing Director, the Mayor, the Director of the Department in which is respondent is employed, if any, and the complainant, if any. If any such termination is not imposed by the City, a written explanation of such decision shall be provided within five (5) days to the Board;
5. *Referral* to the appropriate authorities for criminal prosecution in cases where a violation of this ordinance is also a violation of federal or state law;
6. *Ineligibility* for holding any office or position within the City for a period of up to five years, as set forth in Section 1202 (b) of the Charter of the City of Reading;
7. *Impose a fine,* not to exceed one thousand dollars (\$1,000.00) per violation;
8. *Imposition of an administrative fine* of not more than one thousand dollars (\$1,000.00) to defray the actual cost and expense of investigating any violation; and
9. Any person who realizes financial gain by way of a violation of any provisions of this ordinance, in addition to any other penalty provided by law or this ordinance, shall pay into the Treasury of the City, a sum of money up to the financial gain resulting from the violation. The Board shall determine the amount of financial gain realized; and

10. Any public official, public employee, person, corporation, company or other entity found to have participated in or benefited from a violation of this ordinance, may be barred from participating in business dealings with the City for a period of time not to exceed five (5) years, said period of time to be determined by the Board, in addition to being subject to any other penalty (prescribed by this ordinance) deemed appropriate by the Board.

**B. Restitution; Other penalties and remedies.**

After finding that an individual has violated any provision of the Charter or this Code within the jurisdiction of the Board as provided for in this Code, the Board may take one or more of the following actions, if appropriate, in addition to penalties described in Section 7(a):

1. Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Code or Charter;
2. Order the subject to cease and desist from engaging in a particular activity that is in violation of the Code, Charter, or any order issued by the Board;
3. Order the subject to take specified action to bring him/her into compliance with Board directives;
4. Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction of the matters;
5. Institute appropriate civil or equitable action to enforce the order and decision of the Board; and
6. Recommend to City Council the forfeiture of the office or position held by the subject with the City and recommend that the subject be ineligible to hold any City office or position for a period of up to five (5) years following such decision.

**SECTION 8. Advisory Opinions**

Upon the written request of any public official or city employee, or without such request should a majority of the Board deem it in the public interest, the Board may render advisory opinions concerning matters of governmental ethics, shall consider questions as to ethical conduct, conflicts of interest and the application of ethical standards set forth in this ordinance, and shall issue an advisory opinion in writing as to any such question. The Board may in its discretion publish its advisory opinions with any



redactions necessary to prevent disclosure of the identity of the person who is the subject of the opinion.

An advisory opinion may be used as a defense in any subsequent investigation or prosecution, provided that the official or employee who sought the opinion did so in good faith and only to the extent material facts were not misrepresented in the request for the opinion.

## **SECTION 9. Complaint and Investigation Procedure**

### **A. Who May File**

Any person may file a complaint about alleged ethics violations of the Reading Code of Ethics or the City Charter. In addition, the Board may initiate proceedings. A person signing a complaint shall:

1. Reasonably believe in the existence of facts upon which the claim is based; and
2. Reasonably believe that the complaint may be valid under the ethics provisions of the Code of Ethics and the City Charter.

### **B. How to File**

Complaints must be submitted on forms provided by the Board. The Board shall make available this form upon request. The complaint shall state the name, job or office held by the alleged violator and a description of the facts that are alleged to constitute a violation. It must contain a notarized signature subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities. The Board shall establish a separate P.O. Box through which to receive complaints. This P.O. Box shall be generally accessible by the investigative officer and/or the secretary, provided that the secretary is not a Board member.

### **C. Jurisdiction; Preliminary Investigation**

1. Each complaint filed with the Board shall be immediately directed to and preliminarily reviewed by an investigating officer appointed by the Board (the "Officer") to determine whether the complaint falls within the jurisdiction of the Board. The aforesaid determinations shall be made within 30 days of the filing of the complaint. If the Officer determines that the Board does not have jurisdiction over the matter underlying the complaint, the complainant will be notified and no further action will be taken with regard to the complaint. If, however, the Officer determines that the complaint falls within the jurisdiction of the Board, the Officer shall authorize a preliminary investigation.

2. The preliminary investigation shall be initiated and accomplished at the sole direction of the Officer. If the Officer, in his/her sole discretion, finds that the violation(s), as alleged in the complaint, would, if proved, constitute a de minimis infraction, he/she may decline to initiate a preliminary investigation and dismiss the complaint, if to do so would be in the best interest of the citizens of the City of Reading.
3. At the onset of the preliminary investigation, the Officer shall notify both the complainant and the subject of the investigation of the filing of the complaint, the nature of the same, and the initiation of a preliminary investigation.
4. The preliminary investigation shall be completed within 60 days of the Officer's finding of jurisdiction.
5. If at any time during the preliminary investigation, an extension is necessary and justified, the Officer shall have additional time in 30-day segments. The Officer shall timely notify both the complainant and the subject of the investigation of each such extension.
6. At the conclusion of the preliminary investigation, the Officer shall determine whether there may exist facts to support the complaint. If the inquiry fails to establish such facts, the Officer shall dismiss the complaint and notify both the complainant and the subject of the complaint of the dismissal of the complaint. If, however, at the conclusion of the preliminary investigation the Officer determines that there may exist facts to support the complaint, the Officer shall authorize a full investigation.

#### **D. Full Investigation**

If a preliminary investigation uncovers facts to support the complaint, the Officer shall authorize a full investigation. The complainant and the subject of the investigation shall be notified within three (3) days of the initiation of a full investigation and the subject shall be notified of the identity of the complainant. Until the investigation is concluded or terminated, the Officer will notify both the complainant and the subject of the investigation of the status of the investigation at least every ninety (90) days. Within one hundred eighty (180) days of the initiation of the full investigation, the Officer must either terminate the investigation or issue a findings report to the subject.

#### **E. Findings Report**

The findings report shall set forth the pertinent findings of fact as determined by the Officer. The Officer shall deliver the findings of fact to the complainant and the subject of the investigation. The subject of the investigation may, within 30 days of the report,

request an evidentiary hearing, unless an extension is obtained from the Officer. When such a request is received by the Officer, the Officer shall immediately notify the Board of the request for a hearing, and the names of the parties involved. The Board shall upon receipt of such notice engage two attorneys: one to represent the facts in support of the complaint; and one to advise the Board in matters related to the evidentiary hearing. The Board solicitor shall not have any involvement in a particular matter once the findings report has been issued.

**F. Evidentiary Hearing**

1. **Timing.** An evidentiary hearing must be held within forty-five (45) days of the filing of a request for the same.
2. **Evidence.** The subject of the investigation shall have reasonable access to any evidence intended to be used at a hearing. The subject of the investigation shall have the opportunity to be represented by counsel and to subpoena witnesses, present evidence, cross examine witnesses against him/her, submit argument and shall be entitled to exercise all rights of confrontation and the like afforded him/her by the United States Constitution and the Pennsylvania Constitution.
3. **Closed Hearing.** The hearing shall be closed to the public unless the subject requests an open hearing in writing to the Board at least five (5) days before the hearing.

**G. Decision by the Board; Final Order.**

At the conclusion of the evidentiary hearing, the Board will determine by majority vote of those members presiding whether the evidence supports a finding that the subject of the complaint violated provision(s) of either the Charter or the Code.

Upon reaching a determination on the complaint, the Board shall issue a final order. A copy of said final order shall be immediately delivered to both the complainant and the subject of the complaint.

**H. Petition for Reconsideration.**

A subject, having been found to have violated a provision of the Charter or Code, may file a petition for reconsideration of the Board's decision. Such petition shall be filed with the Board within ten (10) days of the day the Board issues its final order.

**I. Protection of Complainant**

No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade or compensation, denied a promotion, or

threatened, for a good faith filing of a complaint with the Board, or providing information or testifying in any Board proceeding.

#### **SECTION 10. Confidentiality of Board Information**

All Board proceedings and records relating to an investigation shall be confidential until a final determination is made by the Board, except as may be required to effect due process. The final order shall become a public record once the subject has exhausted all appeal rights or has failed to timely exercise such rights. All other file material shall remain confidential.

#### **SECTION 11. Wrongful Use of Board of Ethics**

The purpose of the Board of Ethics is to endeavor to maintain a high standard of ethical behavior by City employees and officials. This will be most effective when City employees, officials and citizens work together to set and maintain high ethical standards. Complaints directed to the Board must be based on fact. Those filing complaints must have the intent to improve the ethical climate of the City. Wrongful use of the Code is prohibited and those individuals engaged in such conduct may be subject to penalties as set forth in Section 7.

Wrongful use of the Code of Ethics is defined as either:

1. Filing an unfounded, frivolous or false complaint. A complaint is unfounded, frivolous or false if it is filed in a grossly negligent manner without a basis in law or fact and was made for a purpose other than reporting a violation of this Code. A person has not filed a frivolous complaint if he/she reasonably believes that facts exist to support the claim and either reasonably believes that under those facts the complaint is valid under this Code or acts upon the advice of counsel sought in good faith and given after full disclosure of all relevant facts within his/her knowledge and information.
2. Publicly disclosing or causing to be disclosed information regarding the status of proceedings before the Board and facts underlying a complaint before the Board, including the identity of persons involved and that a complaint has been filed.

BILL NO. \_\_\_\_\_-2009

AN ORDINANCE

**AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER EXHIBIT "A" TO CREATE A NEW ZONING DISTRICT TO BE KNOWN AS MUNICIPAL USE (MU) ZONING DISTRICT AND THE USES ALLOWED THEREIN AS WELL AS THE REQUIREMENTS FOR SUCH USES AND AMENDING THE CITY OF READING ZONING MAP TO REFLECT THE ADDITION OF A NEW ZONING DISTRICT AS DESCRIBED IN AND PER THE MAP ATTACHED AS EXHIBIT "B"**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A," to create a new zoning district to be known as Municipal Use (MU) Zoning District and the uses allowed therein as well as the requirements for such uses and amending the City of Reading Zoning Map per Exhibit "B" to reflect the addition of a new zoning district, Municipal Use (MU) Zoning District

SECTION 2. SEVERABILITY. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Amendment and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION 3. REPEALER. Any specific provisions of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance or any other City Ordinance or resolution that is in direct conflict within this Zoning Amendment are hereby repealed.

SECTION 4. NUMBERING AND LETTERING. Should any number or letter assigned to an amendment set forth herein conflict with or been previously assigned under a prior amendment to the City of Reading Zoning Ordinance, then the number or letter herein shall be automatically amended when codified to reflect the next available number or letter.

SECTION 5. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 6. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(LAW DEPT.)

# **EXHIBIT A**

**SECTION 27-701 DISTRICTS IS AMENDED TO ADD:**

I. Municipal Use district (MU).

**SECTION 27-702 INTENT OF DISTRICTS IS AMENDED TO ADD:**

I. Municipal Use district (MU). The Municipal Use district is intended as a relatively isolated area, reserved for those uses and services traditionally provided by local governments, but whose associated nuisances, and/or security concerns warrant a separation, to the extent practical, from publicly accessible and occupied areas. Permitted uses within the Municipal Use district are those operated by the City of Reading, alone or in partnership with other government entities.

**PART 8 DISTRICTS IS AMENDED TO ADD:**

**§27-816 MU - MUNICIPAL USE DISTRICT**

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback
43,560 square feet	40%	80%	80 feet	100 feet	40 feet	40 feet	40 feet	

**PERMITTED USES**

**Wastewater Treatment Operations**

**Law Enforcement Operations**

**Fire Fighting and Rescue Service Operations**

**Recycling Operations**

Multiple principal uses and occupancies on single parcels within the Municipal Use district are expressly authorized, where common (City) ownership makes subdivision otherwise unnecessary; 'area and bulk' standards shall apply to the parcel as a whole. The adequacy of separations between uses shall be established by agreement between the City's project representative and a qualified design professional, and to the satisfaction of the incumbent tenants and their continuing operations. Municipal use parcels are not required to front on a public street, though sufficient (driveway) access must nonetheless be provided.

**PART 11 ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OR ZONING DISTRICTS  
IS AMENDED TO ADD:**



**§27-1107 Additional Requirements and Performance Standards for Permitted Uses in the MU Zoning District**

A. **Wastewater Treatment Operations:** an application for a “wastewater treatment operation” shall include a general explanation of the treatment processes, including the technologies involved, noise and odor mitigating measures, and the receiving water body of the treated effluent. The area of wastewater treatment equipment which is *open to precipitation from above* need not be counted in the calculation of building and impervious coverage percentages.

B. **Law Enforcement Operations:** an application for a “firing range” shall include a description of the design of the berm/backstop, and other safety measures. Designs shall implement the Environmental Protection Agency's Best Management Practices (BMPs) "for lead at firing ranges".

C. **Fire and Rescue Service Operations:** an application for a “live-fire training facility” shall include a description of the different training structures/evolutions designed. Water towers, simulation buildings, and other buildings specifically designed for their height, may exceed the building height maximum, where such increased height is related to the instruction or practice of fire-fighting and/or rescue techniques.

D. **Recycling Operations:** an application for a “recycling operation” shall include a description of the types and quantities of materials to be collected and the loading areas.

**SECTION 27-1603.1 OFF STREET PARKING STANDARDS IS AMENDED TO ADD:**

GG. **Wastewater Treatment Operations:** off-street parking shall be provided at the rate of at least one space per full-time employee on the largest shift, plus 10% for visitors, inspectors, shift change flexibility, et cetera. When located in the Municipal Use district, a common parking area may be delineated.

HH. **Law Enforcement Operations:** off-street parking shall be provided at the rate of at least one space for every four classroom seats/shooting lanes. When located in the Municipal Use district, a common parking area may be delineated.

II. **Fire and Rescue Service Operations:** off-street parking shall be provided at the rate of at least one space for every four classroom seats. When located in the Municipal Use district, a common parking area may be delineated.

**JJ. Recycling Operations:** off-street parking shall be provided at the rate of at least one space per employee, if any. A minimum of two loading spaces, exclusive of driveways and sized according to the largest vehicles permitted, shall be provided for every container placed. When located in the Municipal Use district, a common parking area may be delineated.

**SECTION 27-2202 DEFINITIONS IS AMENDED TO ADD THE FOLLOWING WORDS AND DEFINITIONS:**

**WASTEWATER TREATMENT OPERATIONS** - includes all infrastructure, equipment and activities related to the collection, conveyance, treatment, monitoring, sampling and discharge of wastewater, regardless of its source, including, but not necessarily limited to: the pipes, manholes, junction boxes, valves, pumps, grinders, grit chambers, screening facilities, presses, centrifuges, clarifiers, settling tanks, physical, biological and chemical treatments, laboratories, vehicular and administrative facilities necessary to consistently remediate wastewater according to current regulatory standards operated by the City's Department of Public Works.

**LAW ENFORCEMENT OPERATIONS** - includes firing ranges, accessory buildings and activities related to firing ranges, facilities for the disposal of regulated/controlled substances, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of law enforcement officers and their supporting staff, operated by the City's Department of Police.

**FIRE AND RESCUE SERVICE OPERATIONS** - includes live-fire training facilities, the educational, vehicular and administrative facilities necessary to the initial and continuing training, qualification and accreditation of fire fighters, emergency medical and disaster responders, and their supporting staff, operated by either the City's Department of Fire and Rescue Services or the County of Berks.

**RECYCLING OPERATIONS** - includes facilities for the collection and organization of recyclable materials, and/or the composting of organic materials, operated by either the City's Department of Public Works or the Berks County Solid Waste Authority. It may include collection events for the general public, where sufficient loading and staging areas are delineated.

## **EXHIBIT B**

### **MUNICIPAL USE (MU) ZONING DISTRICT**

The City of Reading Municipal Use (MU) Zoning District shall consist of:

That portion of the City of Reading commonly known as Fritz Island, bounded on the north by the centerline of the Angelica Creek, on the east by centerline of the Schuylkill River, on the south by the municipal boundary of the Township of Cumru, and on the west by the municipal boundary of the Township of Cumru and the centerline of Morgantown Road (SR 0010).

**BILL NO. \_\_\_\_\_ 2009**  
**AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES  
CHAPTER 27 ZONING BY CREATING A NEW SECTION IN PART 11  
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OF ZONING DISTRICTS  
BY PLACING REQUIREMENTS FOR THE RENTAL OF SINGLE FAMILY HOMES  
IN AREAS ZONED R-1, R-1A and R-2 AND AMENDING THE DEFINITIONS  
SECTION.**

**WHEREAS**, as the City's Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

**WHEREAS**, over 50% of all residential dwellings in the City of Reading are rental dwellings; and

**WHEREAS**, there is a greater incidence of violations of various codes of the City at residential dwelling where Owners do not reside in the City and rent such dwelling to three or more unrelated individuals than at an Owner-occupied residential dwelling or one family-occupied residential dwellings; and

**WHEREAS**, there is a greater incidence of problems with maintenance/upkeep and quality of life disturbance of residential dwellings where Owners do not reside in the City and rent such dwelling to three or more unrelated individuals than at Owner-occupied dwellings or one family-occupied dwellings; and

**WHEREAS**, the City of Reading City Council and residents of these neighborhoods seek to preserve the quality of life in the low density residential zones by creating requirements for one family rental dwelling in area zoned R-1, R-1A and R-2.

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS  
AS FOLLOWS:**

**SECTION 1.** Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 11 Additional Requirements for Specific Uses or Zoning Districts by creating a Section 27-1107 which creates restrictions on the rental of one family detached and semi-detached dwellings in R-1, R-1A and R-2 zoning districts, as follows:

Section 27-1107. Requirements for Rental Dwellings in the R-1, R-1A and R-2 Zoning Districts.

- A. All one family rental dwellings must obtain a zoning permit.
- B. No one family dwelling in these zoning districts shall be converted for multi-family use or created to become Roommate Households as defined in Sections 27-1202 (16) and 27-2202.
- C. The zoning application must include a site plan and architectural plans, drawn to scale, must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
- D. The rental dwelling must meet the standards of the City of Reading building, housing and fire codes as required for residential rental dwellings. The owner must verify to the City of Reading on an annual basis that the dwelling meets all of the maintenance, plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.
- E. No cooking facilities of any kind shall be located in any room except the central kitchen.
- F. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
- G. No basement or cellar shall be used as a habitable bedroom except by special approval and variance from the Zoning Hearing Board.
- H. Each rental dwelling must provide off-street parking as stated in the City of Reading Zoning Ordinance Section 27-1603 V.
- I. No rental dwelling shall be located within 800 feet of another except by special approval and variance from the Zoning Hearing Board.

**SECTION 2.** Requiring all existing rental detached and semi-detached dwellings in R-1, R-1A and R-2 zoning districts to register their dwellings pre-existing, non-conforming status within one (1) year of the enactment of this ordinance. Registering the dwelling by this date will allow the dwelling to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the dwelling must be converted to a use permitted in the zone within six (6) months.

**SECTION 3.** Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 22 Definitions by adding the following:

**RENT, RENTING, RENTAL, LET, LETTING, LEASE OR WORDS OF SIMILAR MEANING** – the act of permitting a unit to be used to provide a

living arrangement for one or more persons not the owner thereof whether or not for compensation.

**RENTABLE UNIT, RENTAL PROPERTY, UNIT, OR WORDS OF SIMILAR**

**MEANING** - Any dwelling, dwelling unit, rooming house or rooming unit not solely occupied by the owner.

**ROOMING UNIT**- a portion of a building providing rooms for sleeping and/or sanitary facilities.

**ROOMMATE HOUSEHOLDS** - a shared housing arrangement where ~~at least two, and no more~~ than three persons not related by blood, marriage, adoption or foster relationship live together in a single dwelling unit and/or a single housekeeping unit on a permanent or temporary arrangement. Any exception to this definition in number of persons in the occupancy arrangement requires approval as a special exception review by the Zoning Hearing Board.

**SECTION 4.** The owner or qualified agent or manager of the property shall register the rental dwelling annually with the Codes Services and Tax Administration offices. Failure to register on an annual basis will revoke the zoning permit.

**SECTION 5.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

|  
Attest:

\_\_\_\_\_  
City Clerk

*(Councilor Marmarou & Council Staff)*

**BILL NO. \_\_\_\_\_-2009**  
**A N O R D I N A N C E**

AMENDING THE CITY OF READING CODIFIED ORDINANCES BY CREATING A  
NEW PART 20 - VACANT BUILDING REGISTRATION - IN CHAPTER 10 HEALTH  
AND SAFETY ENFORCEMENT

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The City of Reading Code of Ordinances is hereby amended by creating a new Part 20 Vacant Building Registration in Chapter 10 Health and Safety as attached in Exhibit A

**SECTION 2.** All other sections, parts and provisions of the City of Reading Code of Ordinances shall remain in full force and effect as previously enacted and amended.

**SECTION 3.** In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of City Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

**SECTION 4.** This Ordinance shall take effect ten (10) days after adoption in accordance with City of Reading Home Rule Charter, as amended, Sections 219 and 221.

Enacted \_\_\_\_\_, 2009.

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
City Clerk

(Councilor Waltman & Council Staff)  
(PMD and LAW)  
Submitted to Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_



Received by the Mayor's Office: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_  
Date: \_\_\_\_\_

## EXHIBIT A

### PART 20 VACANT BUILDING REGISTRATION

#### §10—2001. PURPOSE AND ENFORCEMENT.

A. The purpose of this part requiring the registration of all vacant buildings and structures and the payment of registration fees is to assist the City in protecting the public health, safety and welfare, to monitor the number of vacant buildings and structures in the City, to assess the effects of the condition of those buildings on nearby businesses, buildings, structures, properties and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings and structures to register and the pay related fees, and to promote substantial efforts to rehabilitate such vacant buildings and structure. The provisions of this part are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of the Codified Ordinances of the City of Reading and all relevant codes and/or regulations adopted therein.

#### §10—2002. DEFINITIONS

For the purposes of this section, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies. The following words shall have the meanings respectively ascribed to them as follows:

**Boarded** a building, structure or dwelling unit subject to the provisions of this part if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

**Dwelling unit** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Notice** written notice of a violation or requirement under this section mailed, pursuant to first class mail, to the last known address of the owner of the property in question.

**Public Nuisance:**

- (a) Any building or structure which because of physical condition or use is

regarded as a public nuisance and has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(b) Any building or structure which because of physical condition, use or occupancy is considered an attractive nuisance to children.

(c) Any building or structure which because it is dilapidated, unsanitary, unsafe, insect or vermin infested or lacking in the facilities and equipment required by the City of Reading Codified Ordinances and has been designated by the City as a public nuisance.

(d) Any structure which is a fire hazard or is otherwise dangerous to the safety of person or property.

(e) Any structure from which water, plumbing, heating, sewage or other facilities have been disconnected, destroyed, removed or rendered ineffective so that the property creates a hazard to neighboring properties.

(f) Any building or structure which for reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris or a haven for rodents and other vermin.

(g) Any building or structure which lacks or has rendered inoperable fire protection system as required by the applicable City of Reading Codified Ordinance.

(h) Any building or structure which as a result of its dilapidated, unsanitary, unsafe, insect or infested condition creates a damage or a risk of damage to a neighboring property.

**Occupied** any building or structure where one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this part, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; trash collection services; a valid City business license, or the most recent, federal, state, or City income

tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of up to date tenant list

**Open** a building or structure whereat any one or more exterior doors, other than a storm door, is broken, open and, or closed, but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion or any combination of the same.

**Owner** any person, agent, operator, partnership, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**Vacant** a building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant occupant(s), or owner-occupants, or tenant(s) on a permanent non-transient basis.

#### **§10—2003. APPLICABILITY**

The requirements of this article shall be applicable to every building and structure in the City of Reading and each owner of any building whether governmental, commercial, residential or institutional or owned by non-profit or a for-profit organization in which the building in total shall have been vacant for more than 45 consecutive days. Registration shall be required for all vacant buildings and structures, whether vacant and secure, vacant and open or vacant and boarded and shall be required whenever any building has remained vacant for 45 consecutive days or more. This part shall not apply to any building owned by the United States, the Commonwealth, the City of Reading, County of Berks nor to any of their respective agencies or political subdivisions.

#### **§10—2004. REGISTRATION STATEMENT**

Each such owner shall cause to be filed a notarized registration statement on a form prepared and provided by the Property Maintenance Division of the City of Reading, which shall include but not be limited to the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the Property Maintenance Division, Building and Trades Division, and the Department of Fire and Rescue Services. For purposes of this part, the following shall also be applicable:

- (a) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent relevant filing with the Pennsylvania Department of State.
- (b) If an estate, the name and business address of the executor of the estate;
- (c) If a trust, the name and address of all trustees, grantors and beneficiaries;
- (d) If a partnership, the names and residence addresses of all partners with an interest of ten (10) percent or greater;
- (e) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;
- (f) If an individual person, the name and residence address of that individual person. The Registration Statement and, where applicable, Registration Fee(s) as required by sub-section §10—2006 of this section shall be billed by the Property Maintenance Division and such Registration Statement and, where applicable, Registration Fee(s), shall be filed with and/or paid to the Property Maintenance Division for the subject year no later than the last business day of said year, on or before December 31, or if December 31 falls on Saturday or Sunday by the preceding Friday, of each year. For purposes of this ordinance, registration application initially shall be due on September 1, 2009

#### **§10—2005. DUTY TO AMEND REGISTRATION STATEMENT**

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Property Maintenance Division within thirty (30) days of the occurrence of such change and advise the department in writing of those changes.

#### **§10—2006. FEES**

The owner of the vacant property as of December 31<sup>st</sup> of each calendar year shall be responsible for the filing of his/her Registration Statement and, where applicable, registration payment of the non-refundable registration fee. Said fee shall be \$100 per year per building and structure which has not been declared a public nuisance by the City of Reading Property Maintenance Division, Department of Fire and Rescue Services or Building and Trades Division of the Department of Community

Development and the exterior of said building or structure is compliant with the applicable codes and ordinances.

Upon a determination that a building or structure is a public nuisance or becomes non code compliant on the exterior, the fee for Registration of a Vacant Building or Structure shall be:

- \$500 for buildings or structures that have been vacant for one to two years;
- \$1,000 for buildings or structures that have been vacant for two to three years;
- \$2,000 for buildings or structures that have been vacant for three to five years;
- \$3,500 for buildings or structures that have been vacant for five to ten years; and
- \$5,000 for buildings that have been vacant for ten years.

The fee shall increase by \$500 for each year beyond the ten years that the building has been vacant.

An owner may appeal a determination of a public nuisance or exterior non code compliant to the Building and Fire Board of Appeals as set forth herein. Once a building or structure has been declared a public nuisance or non code compliant, upon correction of the basis for such determination, an owner may apply to the Property Maintenance Division for removal of the nuisance or non code compliant determination and reduction of the fee to \$100 per year.

#### **§10—2007. DELINQUENT REGISTRATION FEES AS A LIEN**

After the owner is given notice of the amount of the Registration Fee due, except for those owners that have properly perfected an appeal pursuant to §10-2012 above, and the owner fails to pay the amount due within thirty (30) days, said amount shall constitute a debt due and owing to the City, and the City may either enter a lien on the property or turn it over to a collection agency for receipt as provided by law

#### **§10—2008. ONE TIME WAIVER OF REGISTRATION FEE**

A one-time, one year waiver of the registration fee may be granted by the Property Maintenance Division upon application of the owner and upon review and advice of the Solicitor's Office, within 15 calendar days of the date of the bill for the registration fee, if the owner:

1. Demonstrates with satisfactory proof to the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue Services that he/she has submitted valid architectural plans, based on city's permits and planning application procedures, and otherwise has shown good faith efforts to efficiently rehabilitated, demolish, or otherwise substantially repair or improve said vacant building; or

2. Demonstrates with satisfactory proof to the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue Services that he/she is actively marketing the property for sale/lease. Actively marketing will be defined as an owner who has placed a “for sale” or a “for lease” sign on the property with accurate contact information, which is also provided to the Property Maintenance Division, Building and Trades Division and/or Department of Fire Services, and has done at least one of the following:

(a) Engaged the services of a real estate licensee, whose name, address, telephone number and email will be provided to the Property Maintenance Division, Building and Trades Division and Department of Fire and Rescue Services, in the Multiple Listing Service (MLS);

(b) Placed weekly advertisements in print or electronic media;

(c) Distributed printed advertisements.

#### **§10-2009. DECISION ON APPLICATION FOR WAIVER**

Within thirty (30) days after the waiver application is received by the Property Maintenance Division, and upon review by the Property Maintenance Division, Building and Trades Division and/or Department of Fire and Rescue and advice of the Solicitor’s Office, the Property Maintenance Division shall grant or deny the waiver in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver to the Property Maintenance Division and that application was denied, the owner may seek an appeal from the Building and Fire Board of Appeals by filing an appeal request in writing within twenty (20) calendar days of receipt of the denial.

#### **§10—2010. LOCAL AGENT**

If none of the persons listed in §10-2004 above is shown at an address within Berks County, the Registration Statement also shall provide the name and address of a person who resides within Berks County appointed by the owner as the local agent. The owner and responsible local agent shall be jointly and severally legally responsible compliance with the City of Reading Codes and Codified Ordinances and the laws of the Commonwealth of Pennsylvania. The local responsible agent shall be responsible for, including but not limited to, providing the Code Official with access to the building or structure for the purpose of making inspections, is authorized to accept service of process on behalf of the owners, receive notification in the event of an emergency

affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith.

## **§10—2011. INSPECTIONS**

**Annual Inspection.** An annual inspection of a Registered Vacant Building shall be performed by the Property Maintenance Division for Residential Structures and Building / Trades Division and/or Fire Prevention Division for Commercial Structures, or as necessary, to determine if it complies with the minimum requirements, as determined by the code official, of applicable Property Maintenance Code, Building and Trades Codes and Fire Prevention Code. If violations of these Codes are identified the Property Maintenance Code shall issue a notice of violation as per the requirements of those codes and give notice to the owner to comply with the codes with a time to cure. If the violations are not corrected within the time given, the property shall be declared a public nuisance.

**Complaint Inspections.** Nothing in this Part shall preclude a Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the building or structure. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading.

**Right of Entry.** The Code Officials are authorized and directed to make inspections at any reasonable hour to determine compliance with the aforementioned codes. For this purpose, the Property Maintenance Division, Building and Trades Division and Department of Fire and Rescue Services, its officers or representatives are authorized to enter and examine any building, structure, yard or part of either and every owner, operator or occupant shall allow the inspectors, officers or representatives of the Property Maintenance Division and Department of Fire and Rescue Services free access.

**Search Warrant.** If any owner, local agent or other person in charge of a building or structure subject to the provisions of this Part refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Part is sought, the administrative authority, appropriate Code Official, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.



**Notice.** All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

**Failure to Appear for Inspection.** If the owner or his/her local responsible agent cannot be available at the proposed time, said owner or representative shall provide no less than 24-hour written notice to the Property Maintenance Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of \$50 will be assessed against the owner or representative of the owner failing to supply written notice or appear. For each rescheduling beyond the second rescheduling an administrative fee of \$100 shall be assessed in all cases. Failure to pay administrative fees shall at the discretion of the Code Official constitute a violation of this or the applicable Code including but not limited to the City of Reading Property Maintenance Code. Failure of an owner or his/her local responsible agent to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

**Special Requested Inspection.** Whenever the owner, mortgagee, purchaser or other interested party requests a special inspection of a property regulated by this Article, or certification that a property is in compliance with this Article or other applicable City ordinances pertaining to structural condition; when such a request is being made in connection with the sale, conveyance, transfer, financing or refinancing of such property; then such person shall first pay a fee of \$200 to the City to defray the expenses of making such inspection.

#### **§10—2012. SERVICE CUT OFFS**

(e) Upon registration of a property the Property Maintenance Division and/or Fire Marshall shall see to it that all service utilities are disconnected as per Property Maintenance Code 108.2.1 Service Utilities.

#### **§10—2013. APPEAL RIGHTS.**

**A. Registration Fees.** The owner shall have the right to appeal the imposition of the registration fees to the Building and Fire Board of Appeals upon filing an application in writing to the Property Maintenance Division no later than twenty (20) calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in §10-2002 above.

**B. Public Nuisance and Exterior Non Code Compliant.** The owner shall have the right to appeal the determination that a building or structure is a public nuisance or the exterior is non code compliant to the Building and Fire Board of Appeals upon filing an

application in writing to the Property Maintenance Division no later than twenty (20) calendar days after notification of said determination. On appeal, the owner shall bear the burden that the property is not a public nuisance and the exterior is code compliant.

**C. Fee.** The fee for filing of an appeal to the Building and Fire Board of Appeals shall be \$100. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.

#### **§10—2014. ADMINISTRATION AND ENFORCEMENT**

Administration and enforcement of this section shall remain under the control of the Property Maintenance Division, Building and Trades Division and/or the Department of Fire and Rescue Services.

#### **§10—2015. VIOLATIONS AND PENALTIES.**

**A. Violations.** The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to file a Registration Statement, to pay any fees required to be paid pursuant to the provisions of this part, or to appear for an inspection, shall constitute a violation. The violation shall be deemed a strict liability offense

**B. Prosecution of Violations.** The Fire Marshal, Chief Building Official and/or Property Maintenance Division Administrator or his/her designee. shall have the authority to institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation of the provisions of this Part or of the order or direction made pursuant thereto. Such authority shall include but not be limited to the Fire Marshal, Chief Building Official and/or Property Maintenance Division Administrator or his/her designee. institution of summary criminal proceedings via the issuance of a nontraffic citation in accord with the Pennsylvania Rules of Criminal Procedures in the court of appropriate jurisdiction, as a means of enforcement of this section and shall, when acting within the scope of employment hereunder, have the powers of a police officer of the City; provided, however, that under no circumstances shall they have the power of arrest.

**C. Penalties.** Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for the first two continual and uncorrected failure or refusal to register, or for each failure or refusal to pay and not exceeding five thousand dollars (\$5,000) for the third and any subsequent continual and uncorrected failure or refusal to register or for each subsequent failure or refusal to pay

or imprisonment for any term not exceeding (90) ninety days. Each day that violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

#### **§10—2016. COMPLIANCE WITH OTHER CODES**

In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other City of Reading Code or Ordinance.

#### **§10—2017. NONEXCLUSIVE REMEDIES.**

The penalty and collection and lien provisions of this Part shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Part. The remedies and procedures provided in this Part for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Part and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

#### **§10-2018 BLIGHTED PROPERTY REVIEW**

Nothing in this Part, shall be meant or utilized to override or circumvent a property under consideration, review and in the process of the City of Reading Blighted Property Review Committee. A property be under order of the City of Reading Blighted Property Review Committee to be rehabilitated yet continue to be required to register as a Vacant Building or Structure pursuant to this Part.

**BILL NO. \_\_\_\_\_**  
**AN ORDINANCE**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF  
READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, ADMINISTRATIVE  
FEES, FIRE DEPARTMENT FEES.**

**THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Fire Department Fees shall be and is hereby amended and shall hereafter be set forth as shown in Exhibit A attached hereto and made a part here.

**SECTION 2:** All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

**SECTION 3:** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2009

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT A

Department	Division	Item	New Fee	
Fire	Special Services	Fire Protection System Registration Fees	\$194	
Fire	Special Services	Fire Protection System Registration Com	\$0	
Fire	Special Services	IFC Inspections Apartment A	\$317	
Fire	Special Services	IFC Inspections Apartment B	\$174.15	
Fire	Special Services	IFC Inspections Apartment C	\$101.06	
Fire	Special Services	Daycare Facility – Class C Home Daycare	\$64.17	
Fire	Special Services	Healthcare – Class B	\$210.67	
Fire	Special Services	Healthcare – Class C	\$174	
Fire	Special Services	Hotel Motel Class A	\$317	
Fire	Special Services	Hotel Motel Class B	\$172	
Fire	Special Services	Hotel Motel Class C	\$135	

**RESOLUTION \_\_\_\_\_ - 2009**

Authorizing City Council support of the National Health Insurance Act of 2009, as proposed by H.R. 676, and the Family and Business Health Security Act, as proposed by H.B. 1660 and S.B. 400

**WHEREAS**, every person in the City of Reading and the United States deserves access to affordable, quality healthcare; and

**WHEREAS**, over 47 million Americans, and thousands of residents in the City of Reading, live daily without healthcare coverage; and

**WHEREAS**, there are two Pennsylvania state single-payer healthcare bills, the Family and Business Health Security Act of 2009, now HB 1660 and SB 400, that would also reduce Reading's healthcare costs for its employees; and

**WHEREAS**, HR 676 and SB 400 will cover all medically necessary services, including primary care, inpatient care, outpatient care, emergency care, prescription drugs, durable medical equipment, long-term care, mental health services, dentistry, eye care, podiatry, chiropractic, and substance abuse treatment, and

**WHEREAS**, illnesses and medical debt annually cause 500,000 bankruptcies in the United States affecting two million people and an increasing number of home foreclosures are also associated with medical debt; and

**WHEREAS**, administrative costs and profits consume 30 percent of health care spending in the United States, with rising costs contributing to decreased international competitiveness and massive layoffs; and

**WHEREAS**, Americans spend double what other industrialized countries spend per person while they are covering all their citizens; and

**WHEREAS**, the City of Reading 2009 employee healthcare costs are approximately \$10 million

**THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING**

**That** Council hereby expresses its support for the Family and Business Health Security Act of 2009, HB 1660 and SB 400, and calls upon Pennsylvania legislators to work towards their immediate enactment.

Deleted: that

Adopted by Council \_\_\_\_\_, 2009

---

Vaughn D. Spencer  
President of Council

Attest:

---

Linda A. Kelleher  
City Clerk

**RESOLUTION \_\_\_\_\_ - 2009**

**Endorsing the spending of Federal Stimulus Renewal Grants to Buy American**

**WHEREAS**, the economic downturn is having a critical impact on everyday Americans who are struggling to maintain or find jobs in an increasingly difficult environment; and

**WHEREAS**, those same American's are the taxpayers that provide the revenue needed to operate essential government services; and

**WHEREAS**, Congress and President Obama are planning a taxpayer-sponsored economic recovery package that will provide billions of dollars to help economically devastated cities and states immediately provide jobs to millions of out-of-work Americans through considerable infrastructure rebuilding, green energy projects and other projects that will require manufactured components; and

**WHEREAS**, our taxpayer dollars should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities; and

**WHEREAS**, any domestically produced products that are purchased with economic recovery plan monies will immediately help struggling American families and will help stabilize our greater economy; and

**WHEREAS**, any economic recovery plan spending should – to every extent possible – include a commitment from Reading, Pennsylvania to buy materials, goods and services for projects from companies that are produced within the United States, thus employing the very workers that pay the taxes for the economic recovery plan spending in the first place.

**THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING** that we the undersigned will work to maximize the creation of American jobs and restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed; and

**BE IT FURTHER RESOLVED THAT** we commit to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to Reading, Pennsylvania by the American taxpayers; and

**BE IT FURTHER RESOLVED THAT** as legislators of Reading, Pennsylvania we commit to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.



Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Tadd Casner is appointed to the Historical Architectural Review  
Board with a term ending June 22, 2014.

Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Theodore Auman is appointed to the Redevelopment Authority  
with a term ending December 31, 2014.

Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Marcia Schmehl is reappointed to the Disruptive Conduct  
Review Board with a term ending January 14, 2012.

Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Barry Lloyd is reappointed to Charter Board with a term ending  
April 26, 2014.

Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

RESOLUTION NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Christopher Fegley is reappointed to the Minority Business  
Procurement Board with a term ending June 22, 2011.

Adopted by Council \_\_\_\_\_, 2009

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk